IN THE HIGH COURT OF JUDICATURE FOR RAJASTHAN AT JODHPUR

O R D E R

S.B.CRIMINAL MISC. PETITION NO. 1073/2006
(Abdul Jabbar Vs. State of Rajasthan & Anr.)

Date of Order : 20/09/2006

PRESENT

HON'BLE MR. JUSTICE H.R.PANWAR

Mr. M.A.Siddiqui for the petitioner.
Mr. Ashok Upadhyay, public prosecutor.
Mr. Manish Pitaliya for the non-petitioner No.2.

BY THE COURT:-

By the instant criminal misc. petition under Section 482 Cr.P.C., the petitioner has challenged the order dated 27.6.2006 passed by Additional Sessions Judge No.1, Chittorgarh (for short 'the appellate court' hereinafter) in Criminal Appeal No.43/06 whereby while suspending the sentence awarded by Chief Judicial Magistrate, Chittorgarh (for short 'the trial court' hereinafter), directed the petitioner to deposit a sum of Rs.52,500/- i.e. 1/4th of fine amount.

Learned counsel for the petitioner submits that the petitioner is not in a position to deposit such an amount and unless he deposits such amount, even after the order of

suspension of sentence, he has to remain in jail and if the petitioner is allowed to remain on bail, he will be in a position to arrange some amount. However, learned counsel submits that at this stage, the petitioner will be in a position to deposit Rs. 25,000/- and therefore, the order impugned may be modified to the extent of directing the petitioner to deposit Rs. 25,000/- instead of 1/4th of the fine amount.

Having regard to the facts and circumstances of the case, the order impugned is modified to the extent that the petitioner be released on bail provided he furnishes personal and bail bonds as directed by the appellate court as also deposits a sum of Rs. 25,000/- instead of 1/4th of fine amount.

With this modification, the petition stands disposed of.

(H.R.PANWAR),J.

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